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C O N F I D E N T I A L TEL AVIV 000215

SIPDIS

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SUBJECT: DEMOLITION OF PERMANENT HOMES IN AMONA OUTPOST
DELAYED

REF: 2005 TEL AVIV 04471

Classified By: Ambassador Richard H. Jones for reasons 1.4 (b) and (d)

1. (U) Israeli press reports indicate that yesterday, on January 12, Defense Minister Shaul Mofaz decided to postpone the demolition of nine permanent homes in Amona outpost, approximately 1 kilometer east of Ofra, for one or two more weeks (see reftel). The GOI had promised last year to demolish the homes by the end of January 2006, but settlers on Wednesday, January 11, submitted a petition to the High Court to have another debate on the issue. The High Court agreed to the hearing, reportedly scheduled for next Wednesday, January 18.

Timeline:

-- October 2004: The Civil Administration issued demolition orders for nine permanent homes in Amona; the orders were never carried out.

-- early July: Peace Now filed a petition against the houses in the outpost and the outpost itself.

-- late July: The High Court issued a decision that the GOI should evacuate the families and demolish the houses, and prevent the occupation of the houses with "all means at their disposal." Reports emerged that the GOI had agreed with the settlers not to demolish the houses if the settlers left peacefully, and YESHA Council leader Pinchas Wallerstein promised the GOI that settlers would not move into the homes.

-- early August: The GOI said the evacuations and demolitions would take place after the implementation of disengagement from the Gaza Strip and northern West Bank. At some point in August, the Civil Administration realized some of the houses are occupied.

-- early November: Mofaz promised the High Court that the IDF would demolish the homes by late December or January 2006.

-- late November: The High Court ordered Mofaz to submit plans for the evacuations and demolitions; the IDF was reportedly negotiating with the settlers living in the houses for peaceful solution.

2. (C) Brigadier General (ret.) Baruch Spiegel, Ministry of Defense advisor, told econoff January 13 that Mofaz postponed the evacuations and demolitions because the High Court ordered the government to delay. Since the settlers filed the petition, the Court decided to hear their case to try to "finish the debate between the authorities and the settlers," according to Spiegel. (Comment: Spiegel was likely referring to the reported negotiations taking place in November. End comment.) He said the settlers told the Court that they "have nowhere else to go" and for this reason, the Court has "to listen to them," and re-evaluate, he explained. He also remarked that negotiations in the High Court may take more than a week. Spiegel assured econoff that the IDF had in fact begun preparations three days ago to evacuate the homes in Amona, however, along with three other outposts near Bracha, Elon More, and Yitzhar settlements. He said these outposts are near locations where Palestinian olive trees were destroyed, and concluded the IDF "won't let them continue," implying the evacuations were a punishment for settlers committing crimes in the West Bank.

3. (C) Comment: If confirmed, IDF interest in dismantling the outposts near Nablus as a punishment for settler vandalism is welcome news, even though the IDF should not need an excuse to dismantle illegal outposts. In addition, it appears that in the case of Amona outpost, the MOD/IDF has finally begun preparations for the evacuation and demolition of the permanent homes. For example, Spiegel told EconCouns that soldiers had been reassigned from Nablus security to take part in the evacuations. Although we have yet to see the outcome of this new debate in the High Court, the Court's zig-zagging on its will not encourage GOI efforts to dismantle illegal outposts in the future. End comment.

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JONES